IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5476 OF 2004

Shri Ramtanay Shantaram Gorhe ...Applicant.
Versus
Gokhale Education Society
and Anr. ...Respondents.
....
Mr.S.B.Shetye, Adv. for Applicant.
Mr.S.R.Shinde, APP, for State.
....

CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 26th February, 2007.

P.C.:

1. Heard the learned Advocate for the applicant-orig.accused and the learned A.P.P. for the State. None appears for respondent No.1 though served.

2. The applicant is seeking quashing of process issued by the learned J.M.F.C., Court No.9, Pune in Regular Criminal Case No.83 of 2003. In the said case process is issued under Sections 465, 466, 468 and 471 of IPC.

3. For the reasons recorded in the the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it

would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within eight weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of eight weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall condone the delay, if any, in filing the revision in the interest of justice, and shall dispose of the matter on merits after hearing the necessary parties.

6. Application is disposed of.

(SMT.V.K.TAHILRAMANI,J.)